

Exhibit K

BRIAN MURPHY, Ph.D., 3-25-09

1

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT, C. MILES TOLBERT)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

) 4:95-CV-003290-TCK-SAJ

) (VOLUME I)

TYSON FOODS, INC., et al.,)

Defendants.)

09:03:16

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VOLUME I OF THE VIDEO DEPOSITION OF BRIAN
MURPHY, Ph.D., produced as a witness on behalf of
the Defendants in the above styled and numbered
cause, taken on the 25th day of March, 2009, in the
City of Tulsa, County of Tulsa, State of Oklahoma,
before me, Karla E. Barrow, a Certified Shorthand
Reporter, duly certified under and by virtue of the
laws of the State of Oklahoma.

09:03:16

09:03:16

**TULSA FREELANCE REPORTERS
918-587-2878**

BRIAN MURPHY, Ph.D., 3-25-09**2****A P P E A R A N C E S**

FOR THE PLAINTIFF:	MR. DAVID PAGE	
	Attorney at Law	
	502 West 6th Street	09:03:16
	Tulsa, OK 74119	09:03:16
FOR CARGILL:	MS. THERESA N. HILL	
	MR. JOHN TUCKER	
	Attorney at Law	
	100 West 5th Street	
	Suite 400	
	Tulsa, OK 74103	
	and	
	MS. MELISSA COLLINS	09:03:16
	Attorney at Law	09:03:16
	1700 Lincoln Street	
	Suite 3200	
	Denver, CO 80203	
FOR GEORGE'S:	MR. JAMES GRAVES	
	Attorney at Law	
	221 North College	
	Fayetteville, AR 72701	
		09:03:16
FOR SIMMONS:	MR. JOHN ELROD	09:03:16
	MS. VICKI BRONSON	
	(Via Telephone)	
	Attorney at Law	
	211 East Dickson Street	
	Fayetteville, AR 72701	
VIDEOGRAPHER:	MR. DEREK ANDERSON	
ALSO PRESENT:	DR. ROGER OLSEN	09:03:16

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I N D E X

W I T N E S S

P A G E

BRIAN MURPHY, Ph.D.

Direct Examination by Mr. Page

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09:03:16

09:03:16

Signature Page

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Reporter's Certificate

286

09:03:16

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1 Olsen has chosen.

2 Q You mean analytes you chose for your own PCA;
3 correct, sir?

4 A Which were the ones that Dr. Olsen had chosen.

5 Q I'll hand you what's marked as Exhibit No. 6, 03:05:23
6 Dr. Murphy, and let me tell you that these are from
7 Dr. Olsen's errata where he made the corrections
8 from the log transformation mistake, calculation
9 mistake, so these are corrected.

10 A I haven't seen these before. 03:07:05

11 Q You hadn't seen this as part of the errata
12 that Dr. Olsen filed in this case?

13 MS. COLLINS: Just to be clear, you're
14 referring to the February 10, 2009 disclosure?

15 MR. PAGE: I believe so, yes. 03:07:11

16 MS. COLLINS: So these same Pages 1, 2 and
17 3 of Exhibit 6 were actually attached to the
18 February 10, 2009 disclosure?

19 MR. PAGE: Yes.

20 A That's not my recollection. 03:07:21

21 Q (By Mr. Page) Well, we believe so.

22 A The ones that I saw from the February whatever
23 disclosure were different figures. They weren't the
24 figures that were in my report.

25 Q Okay. Let me ask you this, sir. I can't tell 03:08:01

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1 you for sure whether they were part of the exhibit
2 or not, but these were figures that have been
3 recalculated, produced based on the corrections to
4 the calculation error that you pointed out.

5 MS. COLLINS: Objection. I don't believe 03:08:10
6 that these particular exhibits have been produced
7 before.

8 MR. PAGE: Okay. I'm going to continue.

9 Q (By Mr. Page) Dr. Murphy, given that, that
10 this shows Dr. Olsen's PCA for Figure 6-11-20c using 03:08:15
11 the correction from the log transform that you
12 pointed out, we've put a red box around the Cargill;
13 do you see that, sir?

14 A Yes, I see the red boxes.

15 Q And do you see whether -- can you tell us 03:08:25
16 whether or not the Cargill poultry litter samples
17 fall within the rest of the poultry litter in this
18 analysis?

19 MS. COLLINS: Are you representing to him
20 that this exhibit contains figures that reflect 03:09:01
21 corrections made by Dr. Olsen in connection with
22 forming his February 10, 2009 disclosure but never
23 before disclosed? Are you asking him to accept that
24 basis?

25 MR. PAGE: Yes. 03:09:10

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1 MS. COLLINS: Okay. And I object to the
2 extent that this is new information that Dr. Murphy
3 hasn't had a chance to view the underlying analysis
4 of, much less these actual documents.

5 MR. PAGE: I understand. I'm using it for 03:09:15
6 cross examination of this witness.

7 Q (By Mr. Page) Dr. Murphy, does the Cargill
8 litter samples fall within the group of poultry
9 litter samples shown on the first page of Exhibit 6
10 to your deposition? 03:09:24

11 A The samples that are identified as Cargill
12 fall within the percent of all poultry litter
13 samples identified as all poultry litter.

14 Q Okay. Do you see where the -- the cattle
15 samples fall, sir, cow manure samples? 03:10:02

16 A Yes, I do.

17 Q Are they separate from the poultry litter
18 samples?

19 A On this figure, they are separate.

20 Q Let's look at the second page of this. This 03:10:10
21 is a similar document that was corrected using the
22 analysis, the corrected analysis, but it's similar
23 to Figure 3.2 of your deposition -- of your report.

24 MS. COLLINS: Same objection.

25 Q (By Mr. Page) Can you identify whether or not 03:11:04

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